Nos. 80-207, 80-213, 80-214

IN THE

Supreme Court of the United States

OCTOBER TERM, 1980

CBS INC., AMERICAN BROADCASTING COMPANIES, INC. AND NATIONAL BROADCASTING COMPANY, INC.
Petitioners,

v.

FEDERAL COMMUNICATIONS COMMISSION AND UNITED STATES OF AMERICA, *et al.*,
Respondents.

On Writs of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

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BRIEF FOR RESPONDENT NATIONAL ASSOCIATION OF BROADCASTERS

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Preliminary Statement

Respondent National Association of Broadcasters ("NAB") hereby adopts the Statements of the Case contained in the briefs filed in this Court on this day by Petitioners American Broadcasting Companies, Inc., CBS Inc. and National Broadcasting Company, Inc. NAB is likewise satisfied with the presentations made by those petitioners in compliance with Rule 34.2(a), (b),

(d)-(f) and, pursuant to Rule 34.2, does not here duplicate those presentations.

ARGUMENT

NAB represents over 5000 individual radio and television stations, all of which have a vital interest in the outcome of this proceeding. On behalf of this national membership, NAB urges this Court to reverse the decision of the United States Court of Appeals for the District of Columbia Circuit here under review. In NAB's view, the lower court decision is contrary to the legislative history and purposes of Section 312(a)(7) of the Communications Act, and usurps the editorial discretion vested in broadcasters by both the First Amendment and fundamental policies of the Communications Act as interpreted by pertinent decisions of this Court.

NAB has reviewed advance copies of the briefs filed today in this case by Petitioners CBS, NBC and ABC, and hereby states its general support for the arguments advanced therein. Because those briefs contain a comprehensive treatment of the issues presented for review and because those briefs present a compelling case for reversal, NAB does not consider it necessary to supplement them at this time. In this regard, NAB notes that it set forth reasons for granting writs of certiorari in these cases in a document filed earlier with this Court.[1] NAB incorporates herein by reference the legal arguments made in that memorandum.

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[1] See Memorandum of Respondent National Association of Broadcasters in Support of Petitions for Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit, filed in Case Nos. 80-207, 80-213 and 80-214.

CONCLUSION

The decision of the Court of Appeals should be reversed.

Respectfully submitted,

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